



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,393	12/23/1999	JAN STENSBORG	0459-0386P	7348

7590 02/08/2005

BIRCH STEWART KOLASCH & BIRCH LLP  
PO BOX 747  
FALLS CHURCH, VA 220400747

EXAMINER
----------

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
----------	--------------

1773

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/471,393

Applicant(s)

STENSBERG ET AL.

Examiner

Monique R Jackson

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 73-82, 84-100, 102-108 and 110-128 is/are pending in the application.  
4a) Of the above claim(s) 91-96, 102-104 and 116-122 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 82-90, 97-100, 105-108, 110-115 and 123-128 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The amendment filed 11/18/04 has been entered. Claims 83, 101 and 109 have been canceled. New claims 123-128 have been added. Claims 73-82, 84-100, 102-108, 110-128 are pending in the application. Claims 91-96, 102-104 and 116-122 have been withdrawn from consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

3. Claims 73-82, 90, 97-100, 105-108, 111, 113-115, and 123-124 are rejected under 35 U.S.C. 102(b) as being anticipated by Bussard (USPN 5,281,499.) Bussard teaches an interface assembly comprising a substrate such as a metal substrate, a transparent polymer film having a holographic or a diffraction grating image embossed thereon adhered to the substrate via an adhesive silk screen printing ink between the substrate and the film whereby the printed design on said substrate cooperates with the image on said film to provide a total graphic and wherein the hologram or diffraction grating image includes a reflective metallized layer, preferably aluminum (Abstract; Figures; Col. 2, lines 55-60; Col. 3, lines 39-56; Col. 4; Col. 5, lines 15-23; Claims, particularly Claim 23.) Bussard further teaches that the embossed plastic film may further include a tint or dye lacquer layer to provide a colored holographic foil or may further include additional layers of various material commonly found in holographic products (Col. 4, lines 1-20.) The assembly further includes a transparent water permeable seal layer at the perimeter of the layered article thereby protecting the embossed surface that produces the holographic image or iridescent diffraction grating pattern (Abstract; Col. 9-10.) Bussard

Art Unit: 1773

teaches that the holographic or diffraction grating image can be formed by conventional methods such as a stamping process with a stamping die whereby the plastic layer itself may be embossed followed by metal coating on the embossed surface (Col. 3, line 65-Col. 4, line 26.)

***Claim Rejections - 35 USC § 103***

4. Claims 84-89, 110, 112, and 125-128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bussard. The teachings of Bussard are discussed above. Though Bussard teaches that the plastic layer may be embossed by known methods of producing a holographic or diffraction grating image such as by a stamping process, Bussard does not specifically teach a rolling process however a rolling process is a conventional and equivalent method to a stamping process to produce a holographic surface relief and would have been obvious to one having ordinary skill in the art at the time of the invention. With respect to the thickness of the plastic layer holding the stamped image, though Bussard does not specifically teach the thickness ranges as instantly claimed, it is well established in the art that the thickness of the layer is a result-effective variable wherein one skilled in the art at the time of the invention would have been motivated to determine the optimum thickness to hold a particular surface relief pattern.

***Response to Arguments***

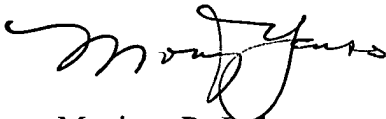
5. Applicant's arguments with respect to claims 73-82, 84-90, 97-100, 105-108, and 110-115 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

Art Unit: 1773

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson  
Primary Examiner  
Technology Center 1700  
February 4, 2005